



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EJK:SPN
F. # 2001V00705

*271 Cadman Plaza East
Brooklyn, New York 11201*

July 24, 2013

By Hand and ECF

The Honorable John Gleeson
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Francois Holloway v. United States
Civil Docket No. 01-1017 (JG)

Dear Judge Gleeson:

After careful consideration, the government respectfully declines the Court's February 25, 2013 request that the U.S. Attorney agree to an order vacating two or more of defendant Francois Holloway's convictions under 18 U.S.C. § 924(c).

The government notes, however, that it recently contacted the Office of the Pardon Attorney, which assists the President in the exercise of his power under Article II, Section 2, clause 1 of the Constitution (the Pardon Clause). The Office of the Pardon Attorney advised that the defendant may be eligible to apply for a commutation of his sentence. Moreover, the Office noted that in considering a clemency petition for commutation of sentence, the Pardon Attorney welcomes, and gives considerable weight to, the views of the District Court judge who presided over the case and the United States Attorney in the district of conviction. In light of the concerns raised by the Court regarding the sentence imposed in this case, Mr. Holloway might consider submitting a petition for commutation of sentence on the ground that his sentence was unduly severe. See Standards for Considering Commutation Petitions, U.S. Attorneys' Manual, § 1-2.113, available at <http://www.justice.gov/pardon/petitions.htm>. Should Mr. Holloway submit such a petition, this Court would be free to express its views in support of clemency. Moreover, the U.S.

Attorney would carefully evaluate any petition for commutation of sentence by Mr. Holloway and consider submitting her own views for consideration by the Pardon Attorney in determining what recommendation to make to the President.

The government will send contact information for the Office of the Pardon Attorney and a copy of the relevant application materials to Mr. Holloway under separate cover.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: _____ /s/
Samuel P. Nitze
Assistant U.S. Attorney
(718) 254-6465

cc: Clerk of the Court (by ECF)
Francois Holloway, Inmate # 45116-053, U.S.P.I. Coleman, P.O. Box 1033,
Coleman, FL 33521 (by U.S. Mail)